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JANICE K. BREWER
SECRETARY OF STATE

HOUSE CONCURRENT MEMORIAL 2007

A CONCURRENT MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION GIVING TRIBAL
GOVERNMENTS JURISDICTION OVER TELECOMMUNICATIONS SERVICES ON TRIBAL LANDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, it is crucial for Native Americans to establish equitable,
4 affordable and universal access to telecommunications services, allowing
5 placement of infrastructure and information technology equipment to deliver
6 broadband services and other evolving and emerging technologies on tribal
7 lands to American Indian communities by the year 2010; and

8 Whereas, it is vital to ensure that the universal service concepts of
9 the 1996 Telecommunications Act allow for telecommunications infrastructure
10 and information technology to be developed and used in a manner that meets
11 the social, civic, economic, educational and cultural needs of American
12 Indian tribes and communities; and

13 Whereas, it is essential to protect, strengthen and assert tribal
14 government sovereignty and regulatory jurisdiction in the areas of
15 telecommunications and information technology; and

16 Whereas, it is vital to create a framework and guidelines for tribal
17 governments and communities, intertribal organizations and American Indian
18 organizations to prepare, plan and make recommendations for
19 telecommunications and information technology policy, legislation,
20 appropriations, program development and self-determination.

21 Wherefore your memorialist, the House of Representatives of the State of

22 Arizona, the Senate concurring, prays:

23 1. That the United States Congress recognize the rights of tribal
24 governments and communities to exercise and assert regulatory jurisdiction
25 over telecommunications activities in the boundaries of reservations and
26 communities.

27 2. That the United States Congress encourage states, counties and
28 municipalities to provide partnership opportunities that promote
29 telecommunication services and that are mutually beneficial for the economic,
30 social and general welfare for all state citizens.

31 3. That the United States Congress provide a sufficient set-aside of
32 Homeland Security monies to ensure equitable and sufficient distribution of
33 monies among tribal governments and American Indian communities for the
34 development of telecommunications build-out necessary to mitigate emergencies
35 and crisis brought about by acts of terrorism, drug trafficking, human
36 smuggling and other deplorable acts that threaten national and local
37 security.

38 4. That the United States Congress promote and support tribal
39 government and community efforts to establish telecommunications regulatory
40 authorities and codes.

41 5. That the United States Congress support and advance public safety
42 implementation among tribes and communities through the provision of grants
43 for the development of telecommunications and information technology
44 capacities among law enforcement agencies, emergency medical service

1 providers, fire departments, courts and justice departments and other
2 emergency responder agencies.

3 6. That the United States Congress support and advance tribal
4 government and ownership of spectrum above tribal lands and communities by
5 granting, rather than auctioning, partitioned spectrum licenses to tribal
6 entities.

7 7. That the United States Congress encourage and support tribal
8 government and community efforts to establish and operate telephone companies
9 and other telecommunication businesses, such as internet service providers,
10 especially in unserved and underserved areas.

11 8. That the United States Congress support and advance the efforts of
12 tribal governments and American Indian communities to bridge their respective
13 digital divides through the provision of grants, loans and contracts, tax
14 incentives and infrastructure build-out services.

15 9. That the United States Congress use its powers as delegated by the
16 Indian Commerce Clause to acknowledge and protect the public interest of
17 Indian country from competing public interests and regulatory jurisdictions
18 and perform the following:

19 (a) Amend section 214(e) of the Telecommunications Act to include the
20 following definition of unserved areas:

21 An unserved area is defined as service penetration 15%
22 below of the nationwide penetration rate for any communications
23 service; or 5% below national rural penetration rate for any
24 communications service, whichever rate is higher.

25 (b) Amend section 214(e) 6 of the Telecommunications Act to include
26 tribes and acknowledge tribal regulatory authority.

27 (c) Provide mechanisms, with enforcement powers, for ensuring
28 equitable, affordable and sustainable access to communications services,
29 including broadband, broadcast and emerging technologies, in Indian country.

30 (d) Support tribal access and options for ownership and management of
31 spectrum on tribal lands for both wireless and broadcast applications.

32 (e) Provide mechanisms to promote cooperation among tribes, state
33 public utility commissions and the federal communications commission and
34 remedies for resolving unforeseen conflicts.

35 (f) Provide public financing to tribal communities that fall under the
36 definition of an unserved area to close any service gap.

37 (g) Permit the bureau of Indian affairs to allow for telecommunication
38 entities to colocate on existing linear rights of way, such as power and
39 water routes, so that rapid expansion of telecom services, including
40 categorical exclusion of clearance requirements, can proceed.

41 10. That the Secretary of State of the State of Arizona transmit copies
42 of this Memorial to the President of the United States Senate, the Speaker of
43 the United States House of Representatives and each Member of Congress from
44 the State of Arizona.

~~PASSED BY THE HOUSE MARCH 6, 2007.~~

~~PASSED BY THE SENATE APRIL 26, 2007.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2007.~~